

Regular Session, 2009

SENATE BILL NO. 134

BY SENATOR MURRAY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC WORKS. Requires bid form to include evidence of compliance with agency's disadvantaged business enterprise program. (gov sig)

AN ACT

To amend and reenact R.S. 38:2212(A)(1)(b)(ii)(aa) and (3)(c)(ii), relative to public contracts; to require that the bid form include evidence of compliance with the agency's disadvantaged business enterprise program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2212(A)(1)(b)(ii)(aa) and (3)(c)(ii) are hereby amended and reenacted to read as follows:

§2212. Advertisement and letting to lowest responsible bidder; public work;

electronic bidding; participation in mentor-protégé program

A.(1)

* * *

(b)

* * *

(ii)(aa) The division of administration, office of facility planning and control, shall develop and prescribe through the promulgation of rules and regulations in accordance with the Administrative Procedure Act the bid form necessary

1 to obtain the information and to implement the sections of the bid form
2 provided for in this Item to be utilized for the public bid of public works
3 projects. The bid form developed shall require only the information necessary
4 to determine the lowest bidder and the following sections and information:
5 Bid Security or Bid Bond, Acknowledgment of Addenda, Base Bid,
6 Alternates, Bid Total, Signature of Bidder, Name, Title and Address of
7 Bidder, Name of Firm or Joint Venture, Corporate Resolution and Louisiana
8 Contractors License Number, **Evidence of Compliance with the agency's**
9 **Disadvantaged Business Enterprise Program**, and on public works projects
10 where unit prices are utilized, a section on the bid form where the unit price
11 utilized in the bid shall be set forth.

12 * * *

13 (3)

14 * * *

15 (c)

16 * * *

17 (ii) The bid form shall contain Bid Security or Bid Bond, Acknowledgment
18 of Addenda, Base Bid, Alternates, Bid Total, Signature of Bidder, Name, Title
19 and Address of Bidder, Name of Firm or Joint Venture Corporate Resolution
20 and Louisiana Contractors License Number, **Evidence of compliance with**
21 **the agency's Disadvantaged Business Enterprise Program**, and on public
22 works projects where unit prices are utilized, their inclusion in the bid form.
23 Other documentation required shall be furnished by the low bidder at a later
24 date, in accordance with the Bidding Documents. The division of
25 administration, office of facility planning and control, shall develop and
26 prescribe the necessary bid form for public works projects for public bid
27 purposes and implement the provisions of this Section of the bid form in
28 accordance with the Administrative Procedure Act.

29 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of
the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

Present law provides procedures for advertising and letting public works contracts to the lowest responsible bidder. Further provides that no requirement with respect to such process may be waived by any entity.

Present law provides that the division of administration, office of facility planning and control, will develop and prescribe the bid form. Provides that the bid form will include only required information that is necessary to determine the lowest responsible bidder and the following information: bid security or bid bond; acknowledgment of addenda; base bid; alternates; bid total; signature of bidder; name, title and address of bidder; name of firm or joint venture; corporate resolution and Louisiana contractors license number; and on projects where unit prices are utilized, a section on the bid form where the unit price utilized in the bid is set forth.

Proposed law adds that the form will also include evidence of compliance with the agency's disadvantaged business enterprise program.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 38:2212(A)(1)(b)(ii)(aa) and (3)(c)(ii))